
Changes to legislation: Charities Act 2011, SCHEDULE 7 is up to date with all changes known to be in force on or before 22 July 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Section 354

CONSEQUENTIAL AMENDMENTS

PART 1

GENERAL AMENDMENTS

References to the Charitable Uses Act 1601 (c. 4)

- 1 A reference in any enactment or document to a charity within the meaning of the Charitable Uses Act 1601 or the preamble to it is to continue to be construed as a reference to a charity as defined by section 1(1).

References to the Charity Commissioners for England and Wales

- 2 (1) Any enactment or document is to continue to have effect, so far as necessary in consequence of the transfer effected by section 6(4) of the Charities Act 2006, as if any reference to—
- (a) the Charity Commissioners for England and Wales, or
 - (b) any Charity Commissioner for England and Wales,
- were a reference to the Charity Commission for England and Wales.
- (2) In sub-paragraph (1) “enactment” includes—
- (a) any provision of subordinate legislation (within the meaning of the Interpretation Act 1978),
 - (b) a provision of a Measure of the Church Assembly or of the General Synod of the Church of England, and
 - (c) any provision made by or under an Act of the Scottish Parliament or Northern Ireland legislation.

Application of certain enactments to trust corporations

- 3 (1) In the definition of “trust corporation” contained in the provisions listed in sub-paragraph (2) the reference to a corporation appointed by the court in any particular case to be a trustee includes a reference to a corporation appointed by the Commission under this Act to be a trustee.
- (2) The provisions are—
- (a) section 117(1)(xxx) of the Settled Land Act 1925,
 - (b) paragraph (18) of section 68(1) of the Trustee Act 1925,
 - (c) section 205(1)(xxviii) of the Law of Property Act 1925,
 - (d) section 55(1)(xxvi) of the Administration of Estates Act 1925, and
 - (e) section 128 of the Senior Courts Act 1981 (c. 54).

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- (3) This paragraph is to be treated as always having had effect.
- (4) In sub-paragraph (2), the reference to section 128 of the Senior Courts Act 1981 is to be read—
- (a) in relation to any time before 1 January 1982, as a reference to section 175(1) of the Supreme Court of Judicature (Consolidation) Act 1925, and
 - (b) in relation to any time on or after that date but before the day on which paragraph 1(2) of Schedule 11 to the Constitutional Reform Act 2005 came into force, as a reference to section 128 of the Supreme Court Act 1981 (c. 54).

PART 2

PARTICULAR AMENDMENTS

Literary and Scientific Institutions Act 1854 (c. 112)

- 4 (1) In section 6, for “except with the consent of the Charity Commission or in accordance with such provisions of section 36(2) to (8) of the Charities Act 1993 as are applicable” substitute “ except with the consent of the Charity Commission or in accordance with such provisions of sections 117(2) and 119 to 121 of the Charities Act 2011 as are applicable ”.
- (2) This paragraph does not extend to Northern Ireland.

Places of Worship Registration Act 1855 (c. 81)

- 5 (1) In section 9(1)—
- (a) for “shall, so far as it is a charity, be treated for the purposes of section 3A(4) (b) of the Charities Act 1993 (institutions to be excepted from registration under that Act) as if that provision applied to it” substitute “ is, so far as it is a charity, to be treated for the purposes of section 31(3) of the Charities Act 2011 (institutions required to be excepted from registration under that Act) as if that provision applied to it ”, and
 - (b) paragraph (b) continues to have effect with the substitution, for “Charity Commissioners” of “Charity Commission”.
- (2) For section 9(2) substitute—
- “(2) Section 337 of the 2011 Act (provisions as to orders under that Act) applies to any order under subsection (1)(b) as it applies to orders under that Act.”

Places of Worship Sites Amendment Act 1882 (c. 21)

- 6 In section 1(d) for “except with the consent of the Charity Commission or in accordance with such provisions of section 36(2) to (8) of the Charities Act 1993 as are applicable” substitute “ except with the consent of the Charity Commission or in accordance with such provisions of sections 117(2) and 119 to 121 of the Charities Act 2011 as are applicable ”.

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Technical and Industrial Institutions Act 1892 (c. 29)

- 7 In section 9(1), for “with the consent of the Charity Commission or in accordance with such provisions of section 36(2) to (8) of the Charities Act 1993 as are applicable” substitute “ with the consent of the Charity Commission or in accordance with such provisions of sections 117(2) and 119 to 121 of the Charities Act 2011 as are applicable ”.

Open Spaces Act 1906 (c. 25)

- 8 (1) In section 4(1A)(b), for “section 36(2) to (8) of the Charities Act 1993” substitute “ sections 117(2) and 119 to 121 of the Charities Act 2011 ”.
- (2) For section 4(4) substitute—
- “(4) Section 337 of the Charities Act 2011 (provisions as to orders under that Act) applies to any order of the Charity Commission under this section as it applies to orders made by it under that Act.”
- (3) This paragraph does not extend to Northern Ireland.

New Parishes Measure 1943 (No. 1)

- 9 (1) For section 14(1)(b) substitute—
- “(b) any trustees for charitable purposes but (except in the case of an exempt charity within the meaning of the Charities Act 2011) only—
- (i) with the sanction of an order of the Charity Commission, or
- (ii) in accordance with such provisions of sections 117(2) and 119 to 121 of the Charities Act 2011 as are applicable;”.
- (2) For section 14(4) substitute—
- “(4) Section 337 of the Charities Act 2011 (provisions as to orders under that Act) applies to any order under subsection (1)(b) as it applies to orders under that Act.”
- 10 In section 31, for “the Charities Act 1993” substitute “ section 10 of the Charities Act 2011 ”.

London County Council (General Powers) Act 1947 (c. xlvi)

- 11 For section 6(3) substitute—
- “(3) In relation to any disposition of land falling within section 117(1) of the Charities Act 2011, the Council or the borough council may, instead of acting with the sanction of an order of the court or of the Charity Commission, make the disposition in accordance with such provisions of sections 117(2) and 119 to 121 of that Act as are applicable.”

London County Council (General Powers) Act 1955 (c. xxix)

- 12 For section 34(3) substitute—
- “(3) In relation to any disposition of land falling within section 117(1) of the Charities Act 2011, the Council may, instead of acting with the sanction of an order of the court or of the Charity Commission, make the disposition in

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accordance with such provisions of sections 117(2) and 119 to 121 of that Act as are applicable.”

Incumbents and Churchwardens (Trusts) Measure 1964 (No. 2)

- 13 In section 1, in the definition of “permanent trusts” for “section 96(3) of the Charities Act 1993” substitute “ section 353(3) of the Charities Act 2011 ”.

Co-operative and Community Benefit Societies and Credit Unions Act 1965 (c. 12)

^{F1}14

Annotations:

Amendments (Textual)

- F1** Sch. 7 para. 14 repealed (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, Sch. 7 (with Sch. 5)

Leasehold Reform Act 1967 (c. 88)

- 15 In section 23(4), for “section 36 of the Charities Act 1993” substitute “ sections 117 to 121 of the Charities Act 2011 ”.

Co-operative and Community Benefit Societies and Credit Unions Act 1968 (c. 55)

^{F2}16

Annotations:

Amendments (Textual)

- F2** Sch. 7 para. 16 repealed (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, Sch. 7 (with Sch. 5)

Redundant Churches and other Religious Buildings Act 1969 (c. 22)

- 17 (1) In section 4, for subsections (6) to (8A) substitute—

“(6) The Charity Commission may, on the application of the acquirer of the relevant premises, by order establish a scheme under section 69 of the Charities Act 2011 (Commission's concurrent jurisdiction with the High Court for certain purposes) making provision for the restoration of the relevant premises, or part of them, to use as a place of public worship.

(7) The Charity Commission may so establish any such scheme notwithstanding

- (a) anything in section 70(2) of that Act, or
(b) that the relevant charity has ceased to exist;

and if the relevant charity has ceased to exist, any such scheme may provide for the constitution of a charity by or in trust for which the relevant premises are to be held on the restoration of those premises, or part of them, to use as a place of public worship.

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(8) The Charity Commission has the same jurisdiction and powers in relation to the establishment of a scheme under subsection (2) above as it has under the provisions of sections 69 to 71 of the Charities Act 2011 (except section 70(4) and (5)) in relation to the establishment of a scheme for the administration of a charity; and section 88 of that Act (publicity relating to schemes) accordingly has effect in relation to the establishment of a scheme under subsection (2) above as it has effect in relation to the establishment of a scheme for the administration of a charity.

(8A) Chapter 2 of Part 17 of, and Schedule 6 to, the Charities Act 2011 (appeals and applications to Tribunal) apply in relation to an order made by virtue of subsection (8) above as they apply in relation to an order made under section 69(1) of that Act.”

(2) In section 4(13), for the definition of “charity” substitute—

““charity” has the meaning given by section 10 of the Charities Act 2011”.

(3) In section 4(13), for the definition of “the court” substitute—

““the court” has the same meaning as in the Charities Act 2011;”.

18 In section 7, for subsection (2) substitute—

“(2) Nothing in this Act affects—

- (a) any power of the court (within the meaning of the Charities Act 2011) or the Charity Commission to establish a scheme for the administration of a charity, or
- (b) the power of the Charity Commission under section 105 of that Act to authorise dealings with trust property.”

Sharing of Church Buildings Act 1969 (c. 38)

19 In section 2(4), for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.

20 (1) In section 8(1), for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.

(2) In section 8(2), for “section 96(2) of the Charities Act 1993” substitute “ section 10(2) to (4) of the Charities Act 2011 ”.

(3) In section 8(3), for “Section 36 of the Charities Act 1993 (restrictions on dispositions of charity land)” substitute “ Sections 117 to 121 of the Charities Act 2011 (restrictions on dispositions of charity land) ”.

Synodical Government Measure 1969 (No. 2)

21 (1) Amend Schedule 3 as follows.

(2) In Rule 46A(a), for “section 72(1) of the Charities Act 1993 and the disqualification is not for the time being subject to a general waiver by the Charity Commission under subsection (4) of that section or to a waiver by it under that subsection” substitute “ section 178 of the Charities Act 2011 and the disqualification is not for the time being subject to a general waiver by the Charity Commission under section 181 of that Act or to a waiver by it under that section ”.

(3) In Rule 54(1)—

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- (a) in the definition of “auditor”, for “section 43(2) of the Charities Act 1993” substitute “ section 144(2) of the Charities Act 2011 ”, and
 - (b) in the definition of “independent examiner”, for “Section 43(3)(a) of the Charities Act 1993” substitute “ section 145(1)(a) of the Charities Act 2011 ”.
- (4) In Section 4 of Appendix I, in Note 3, for “section 72(1) of the Charities Act 1993 and the disqualification is not for the time being subject to a general waiver by the Charity Commission under subsection (4) of that section or to a waiver by it under that subsection” substitute “ section 178 of the Charities Act 2011 and the disqualification is not for the time being subject to a general waiver by the Charity Commission under section 181 of that Act or to a waiver by it under that section ”.
- (5) In Section 6 of Appendix I, in the Note, for “section 72(1) of the Charities Act 1993 and the disqualification is not for the time being subject to a general waiver by the Charity Commission under subsection (4) of that section or to a waiver by it under that subsection” substitute “ section 178 of the Charities Act 2011 and the disqualification is not for the time being subject to a general waiver by the Charity Commission under section 181 of that Act or to a waiver by it under that section ”.
- (6) In Appendix II, in paragraph 16, “the Charity Commission for an order for directions pursuant to section 44(2) of the Charities Act 1993” substitute “ the Charity Commission for an order for directions pursuant to section 155 of the Charities Act 2011 ”.

Local Government Act 1972 (c. 70)

- 22 In section 11(3)(c), for “section 79 of the Charities Act 1993 (parochial charities)” substitute “ sections 298 to 303 of the Charities Act 2011 (parochial charities) ”.
- 23 In section 27F(6), for “section 79 of the Charities Act 1993 (parochial charities)” substitute “ sections 298 to 303 of the Charities Act 2011 (parochial charities) ”.
- 24 In section 27H(6), for “section 79 of the Charities Act 1993 (parochial charities)” substitute “ sections 298 to 303 of the Charities Act 2011 (parochial charities) ”.
- 25 In section 29(6), for “section 79 of the Charities Act 1993 (parochial charities)” substitute “ sections 298 to 303 of the Charities Act 2011 (parochial charities) ”.
- 26 In section 127(4) for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.
- 27 In section 131(3)—
- (a) for “section 36 of the Charities Act 1993 (restrictions on disposition of charity land)” substitute “ sections 117 to 121 of the Charities Act 2011 (restrictions on dispositions of charity land) ”, and
 - (b) for “section 36(9)(a) of that Act (certain statutorily authorised transactions not to require the sanction of the Charity Commission)” substitute “ section 117(3)(a) (certain statutorily authorised dispositions not to require the sanction of the Charity Commission) ”.
- 28 In Schedule 12A, for paragraphs 8(f) and 19(f) substitute—
- “(f) the Charities Act 2011.”

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Consumer Credit Act 1974 (c. 39)

- 29 In section 189(1), in the definition of “charity”, for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.

Friendly Societies Act 1974 (c. 46)

- 30 In section 32A(6), for “as defined by section 1(1) of the Charities Act 2006,” substitute “ as defined by section 1(1) of the Charities Act 2011, ”.

House of Commons Disqualification Act 1975 (c. 24)

- 31 Part 2 of Schedule 1 continues to include, at the appropriate place— “ The Charity Commission. ”

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 32 Part 2 of Schedule 1 continues to include, at the appropriate place— “ The Charity Commission. ”

Theatres Trust Act 1976 (c. 27)

- 33 In section 2(2)(d), for “sections 36 and 38 of the Charities Act 1993” substitute “ sections 117 to 121 and 124 of the Charities Act 2011 ”.

Endowments and Glebe Measure 1976 (No. 4)

- 34 In section 11(2), for “the Charity Commission or in accordance with such provisions of section 36(2) to (8) of the Charities Act 1993 as are applicable” substitute “ the Charity Commission or in accordance with such provisions of sections 117(2) and 119 to 121 of the Charities Act 2011 as are applicable ”.

Interpretation Act 1978 (c. 30)

- 35 In Schedule 1, for the definition of “Charity Commission” substitute—
““Charity Commission” means the Charity Commission for England and Wales (see section 13 of the Charities Act 2011).”

Ancient Monuments and Archaeological Areas Act 1979 (c. 46)

- 36 In section 49(3), for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.

Disused Burial Grounds (Amendment) Act 1981 (c. 18)

- 37 For section 6 substitute—

“6 Saving for Charity Commission

Nothing in this Act affects the charitable jurisdiction of the High Court or the Charity Commission and in particular, in the absence of appropriate provisions in the governing instrument of the charity concerning—

- (a) the future use of the said land, or

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(b) the application of the proceeds of sale of the whole or any part of it, it is under section 61 of the Charities Act 2011 the duty of the church or religious body owning the land or other trustees of the said land to make an application for the appropriate relief by way of a scheme.”

Pastoral Measure 1983 (No. 1)

38 For section 55(1) substitute—

“(1) The power of the court (as defined by the Charities Act 2011) to make schemes under its jurisdiction with respect to charities, and the power of the Charity Commission to make schemes under that Act, extend to the making of schemes with respect to consecrated chapels belonging to charities which are no longer needed for the purposes of the charity, and section 10(2)(c) of that Act shall not be taken as preventing the making of any such scheme.”

39 In section 63(3), for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.

40 In section 87(1), in the definition of “charity”, for “section 96 of the Charities Act 1993” substitute “ section 10 of the Charities Act 2011 ”.

41 (1) Amend Schedule 3 as follows.

(2) In paragraph 11(6)—

- (a) for “section 16 of the Charities Act 1993” substitute “ section 69 of the Charities Act 2011 ”, and
- (b) for “that section” substitute “ sections 69 to 71 of that Act ”.

(3) In paragraph 16(1)(e) for “section 16 of the Charities Act 1993” substitute “ section 69 of the Charities Act 2011 ”.

Greater London Council (General Powers) Act 1984 (c. xxvii)

42 In section 10(2)(n), for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.

Housing Act 1985 (c. 68)

43 In section 6A(5), for “in accordance with section 3A of the Charities Act 1993” substitute “ in accordance with section 30 of the Charities Act 2011 ”.

44 In section 525, in the definition of “charity trustees”, for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.

Housing Associations Act 1985 (c. 69)

45 In section 10(1), for “sections 36 and 38 of the Charities Act 1993” substitute “ sections 117 to 121 and 124 of the Charities Act 2011 ”.

46 In section 35(2)(c), for “section 36 of the Charities Act 1993 (restrictions on dispositions of charity land)” substitute “ sections 117 to 121 of the Charities Act 2011 (restrictions on dispositions of charity land) ”.

Coal Industry Act 1987 (c. 3)

47 (1) In section 5(7), for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.

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(2) For section 5(8) to (8B) substitute—

“(8) Sections 70(1), 71, 73(1) to (6), 74, 88 and 89 of the Charities Act 2011 apply in relation to the powers of the Commission and the making of schemes under this section as they apply in relation to its powers and the making of schemes under that Act and sections 337 and 339 of that Act apply to orders and decisions under this section as they apply to orders and decisions under that Act.

(8A) The Commission must not proceed under section 73 of that Act (as applied by subsection (8)) without the same application and notice to the trustees of the trust in question, as would be required if the Commission was proceeding under subsection (1); but on any application made with a view to a scheme under subsection (1) the Commission may proceed under that subsection or under section 73 of that Act (as so applied) as appears to it appropriate.

(8B) Chapter 2 of Part 17 of, and Schedule 6 to, the Charities Act 2011 (appeals and applications to Tribunal) apply in relation to an order made under this section as they apply in relation to an order made under section 69(1) of that Act.”

Reverter of Sites Act 1987 (c. 15)

48 For section 4(2) and (4) substitute—

“(2) Chapter 2 of Part 17 of, and Schedule 6 to, the Charities Act 2011 (appeals and applications to Tribunal) apply in relation to an order made under section 2 above as they apply in relation to an order made under section 69(1) of that Act, except that the persons who may bring an appeal against an order made under section 2 above are—

- (a) the Attorney General;
- (b) the trustees of the trust established under the order;
- (c) a beneficiary of, or the trustees of, the trust in respect of which the application for the order had been made;
- (d) any person interested in the purposes for which the last-mentioned trustees or any of their predecessors held the relevant land before the cesser of use in consequence of which the trust arose under section 1 above;
- (e) any two or more inhabitants of the locality where that land is situated;
- (f) any other person who is or may be affected by the order.

(4) Sections 337 and 339 of the Charities Act 2011 (supplemental provisions with respect to orders) apply in relation to orders under section 2 above as they apply in relation to orders under that Act.”

Education Reform Act 1988 (c. 40)

49 In section 124(2)(fa), for “(within the meaning of section 69A of the Charities Act 1993)” substitute “(within the meaning of Part 11 of the Charities Act 2011) ”.

50 For section 125A substitute—

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“125A Charitable status of a higher education corporation

A higher education corporation shall be a charity and—

- (a) an English higher education corporation is, in accordance with Schedule 3 to the Charities Act 2011, an exempt charity for the purposes of that Act, and
- (b) a Welsh higher education corporation is, in accordance with regulations made in compliance with section 31(3) of that Act, excepted from registration under that Act.”

51 In section 128(5), for “ “charitable purposes” has the same meaning as in the Charities Act 1993” substitute “charitable purposes” has the meaning given by section 11 of the Charities Act 2011 ”.

Copyright, Designs and Patents Act 1988 (c. 48)

52 In Schedule 6, in paragraph 7(3), for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.

Imperial College Act 1988 (c. xxiv)

53 In section 10, for “ “the Commissioners” and “the court” have the same meanings as in the Charities Act 1993” substitute “ “the Commission” and “the court” have the same meanings as in the Charities Act 2011”.

54 (1) In section 17(1), for “section 22 of the Charities Act 1960” substitute “ section 96 of the Charities Act 2011 ”.

(2) In section 17(2)—

- (a) for “the Commissioners” substitute “ the Commission ”, and
- (b) for “the said section 22” substitute “ section 96 of the 2011 Act ”.

Courts and Legal Services Act 1990 (c. 41)

55 In Schedule 11, for the entry beginning “Member of the Charity Commission” substitute— “ Member of the Charity Commission appointed as provided in Schedule 1 to the Charities Act 2011. ”

London Local Authorities Act 1991 (c. xiii)

56 In section 4, in paragraph (d) of the definition of “establishment for special treatment” for “in accordance with section 3A of the Charities Act 1993 or is not required to be registered (by virtue of subsection (2) of that section)” substitute “ in accordance with section 30 of the Charities Act 2011 or is not required to be registered (by virtue of subsection (2) of that section) ”.

Further and Higher Education Act 1992 (c. 13)

57 In section 19(4)(bc), for “(within the meaning of section 69A of the Charities Act 1993)” substitute “ (within the meaning of Part 11 of the Charities Act 2011) ”.

58 For section 22A substitute—

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“22A Charitable status of a further education corporation

A further education corporation shall be a charity (and, in accordance with Schedule 3 to the Charities Act 2011, is an exempt charity for the purposes of that Act).”

- 59 In section 27(5), for “ “charitable purposes” has the same meaning as in the Charities Act 1993” substitute “charitable purposes” has the meaning given by section 11 of the Charities Act 2011 ”.
- 60 In section 33F(6)(d), for “(within the meaning of section 69A of the Charities Act 1993)” substitute “ (within the meaning of Part 11 of the Charities Act 2011) ”.
- 61 In section 33M, for “(and, as a result of its inclusion in Schedule 2 to the Charities Act 1993, is an exempt charity for the purposes of that Act)” substitute “ (and, as a result of its inclusion in Schedule 3 to the Charities Act 2011, is an exempt charity for the purposes of that Act) ”.
- 62 In section 33N(10), for “ “charitable purposes” has the same meaning as in the Charities Act 1993” substitute “charitable purposes” has the meaning given by section 11 of the Charities Act 2011 ”.
- 63 In section 69—
- (a) in subsection (1A), for “section 13 of the Charities Act 2006)” substitute “ section 25 of the Charities Act 2011) ”, and
 - (b) in subsection (1B), for “section 10A of the Charities Act 1993” substitute “ section 56 or 57 of that Act ”.
- 64 In section 79A—
- (a) for “section 13 of the Charities Act 2006)” substitute “ section 25 of the Charities Act 2011) ”, and
 - (b) for “subsection (2) of that section” substitute “ section 26(2) of that Act ”.

Charities Act 1992 (c. 41)

- 65 (1) In section 58(1), in the definition of “company” for “section 97 of the Charities Act 1993” substitute “ section 353 of the Charities Act 2011 ”.
- (2) In section 58(4), for “as defined by section 2(1) of the Charities Act 2006” substitute “ as defined by section 2(1) of the Charities Act 2011 ”.
- 66 In section 63(2), for “section 3 of the Charities Act 1993” substitute “ section 29 of the Charities Act 2011 ”.

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

- 67 In section 93(6)(a), for “section 36 of the Charities Act 1993” substitute “ sections 117 to 121 of the Charities Act 2011 ”.

Environment Act 1995 (c. 25)

- 68 In Schedule 9, in paragraph 15, for “Sections 76 to 78 of the Charities Act 1993” substitute “ Sections 294 to 297 of the Charities Act 2011 ”.

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Reserve Forces Act 1996 (c. 14)

69 (1) In Schedule 5, in paragraph 2, in the definition of “charity”, for “as it has under section 1(1) of the Charities Act 2006” substitute “ as it has under section 1(1) of the Charities Act 2011 ”.

(2) In paragraph 5 of that Schedule, for sub-paragraphs (2) and (3) substitute—

“(2) An application under this paragraph—

- (a) may be made at any time within the period of 6 months beginning with the day on which the warrant comes into force; and
- (b) is subject to subsections (2) to (5) of section 115 of the Charities Act 2011 (proceedings not to be begun without the consent of the Charity Commission or leave of a judge of the High Court),

and for the purposes of subsection (5) of that section an application for an order of the Commission authorising proceedings under this paragraph is deemed to be refused if it is not granted during the period of one month beginning with the day on which the application is received by the Commission.

(3) In this paragraph “the court” has the same meaning as in the Charities Act 2011.”

(3) For paragraph 6 substitute—

“6 In any case where—

- (a) the Secretary of State requests the Charity Commission to make provision with respect to any charitable property which is held for the purposes of a unit of a reserve force that has been or is to be disbanded, or
- (b) an order is made under paragraph 4 or 5 excluding any charitable property so held from the operation of paragraph 3(1),

the Commission may, regardless of anything in section 70(2) of the Charities Act 2011 (limit on jurisdiction to make schemes etc. for the protection of charities), exercise its jurisdiction under section 69 with respect to the property to which the request or order relates.”

Trusts of Land and Appointment of Trustees Act 1996 (c. 47)

70 In Schedule 1, in paragraph 4(2)—

- (a) in paragraph (a), for “section 37(1) nor section 39(1) of the Charities Act 1993” substitute “ section 122(2) nor section 125(1) of the Charities Act 2011 ”, and
- (b) in paragraph (b), for “section 37(2) nor section 39(2)” substitute “ section 122(3) nor section 125(2) ”.

Housing Act 1996 (c. 52)

71 In section 58, for subsection (1) substitute—

“(1) In this Part—

- (a) “trusts”, in relation to a charity, has the same meaning as in the Charities Act 2011 and “trustee” means a charitable trustee within the meaning of that Act, and

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(b) “registered charity” means a charity which is registered in accordance with section 30 of that Act.”

72 (1) Amend Schedule 1 as follows.

(2) In paragraph 4(2)(d), for “section 72 of the Charities Act 1993” substitute “section 178 of the Charities Act 2011 ”.

(3) For paragraph 18(4) substitute—

“(4) The charity must appoint a qualified auditor (“the auditor”) to audit the accounts prepared in accordance with sub-paragraph (3) in respect of each period of account in which—

(a) the charity's gross income arising in connection with its housing activities exceeds the sum for the time being specified in section 144(1)(a) of the Charities Act 2011, or

(b) the charity's gross income arising in that connection exceeds the accounts threshold and at the end of that period the aggregate value of its assets (before deduction of liabilities) in respect of its housing activities exceeds the sum for the time being specified in section 144(1)(b) of that Act;

and in this sub-paragraph “gross income” and “accounts threshold” have the same meanings as in section 144 of that Act.”

(4) In paragraph 18A(2)(b), for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.

Housing Grants, Construction and Regeneration Act 1996 (c. 53)

73 In section 95(6), for “but otherwise has the same meaning as in the Charities Act 1993” substitute “ but otherwise has the same meaning as it has under section 10 of the Charities Act 2011 ”.

Education Act 1996 (c. 56)

74 In section 537C—

(a) in subsection (1)(a), for “section 13 of the Charities Act 2006)” substitute “ section 25 of the Charities Act 2011)”, and

(b) in subsection (2), for “section 10A of the Charities Act 1993” substitute “ section 56 or 57 of the Charities Act 2011 ”.

School Standards and Framework Act 1998 (c. 31)

75 (1) In section 23, for subsection (1A) substitute—

“(1A) Any body to which subsection (1)(a) or (b) applies is, as a result of its inclusion in Schedule 3 to the Charities Act 2011, an exempt charity for the purposes of that Act.”

(2) In subsection (3), for “, and is an institution to which section 3A(4)(b) of the Charities Act 1993 applies” substitute “ and is an institution which is to be treated for the purposes of section 31(3) of the Charities Act 2011 as if that provision applied to it. ”

(3) For subsection (4)(a) substitute—

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- “(a) institution” has the same meaning as in the Charities Act 2011;”.
- 76 In section 23A(10), in the definitions of “charity trustee” and “institution”, for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.
- 77 In section 23B(2), for “section 18 of the Charities Act 1993” substitute “ section 76 or sections 79 to 81 of the Charities Act 2011 ”.
- 78 In Schedule 1, for paragraph 10 substitute—
- “10 An Education Action Forum shall be a charity and is an institution which is to be treated for the purposes of section 31(3) of the Charities Act 2011 (institutions required to be excepted from registration under that Act) as if that provision applied to it.”
- 79 In Schedule 22, in paragraph 8A(2)(c), for “removed under subsection (4) of section 3 of the Charities Act 1993 from the register of charities kept under that section,” substitute “ removed under section 34 of the Charities Act 2011 from the register of charities kept under section 29 of that Act, ”.

National Institutions Measure 1998 (No. 1)

- 80 (1) In section 3(1), for “Part VI of the Charities Act 1993” substitute “ Part 8 of the Charities Act 2011 ”.
- (2) In section 3(2), for “under subsection (2) of section 43 of that Act to carry out an audit under that subsection” substitute “ under subsection (2) of section 144 of that Act to carry out an audit under that subsection ”.
- (3) In section 3(3), for “Part VI, to have been appointed in pursuance of the said section 43” substitute “ Part 8, to have been appointed in pursuance of the said section 144 ”.

Finance Act 1999 (c. 16)

- 81 In Schedule 19, in paragraph 15—
- (a) in sub-paragraph (a), for “or section 24 of the Charities Act 1993,” substitute “ , section 24 of the Charities Act 1993 or section 96 of the Charities Act 2011, ” and
- (b) in sub-paragraph (b), for “or section 25 of the Charities Act 1993” substitute “ , section 25 of the Charities Act 1993 or section 100 of the Charities Act 2011 ”.

Cathedrals Measure 1999 (No. 1)

- 82 In section 4(4), for “section 72(1) of the Charities Act 1993” substitute “ section 178 of the Charities Act 2011 ”.
- 83 In section 15(1), in paragraph (iii) of the proviso, for “section 36 of the Charities Act 1993,” substitute “ sections 117 to 121 of the Charities Act 2011, ”.
- 84 In section 27(1), for “section 43 of the Charities Act 1993” substitute “ section 144 of the Charities Act 2011 ”.
- 85 In section 34, for “same meaning as in the Charities Act 1993” substitute “ meaning given by section 10 of the Charities Act 2011 ”.

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Financial Services and Markets Act 2000 (c. 8)

- 86 In Schedule 11A, in paragraph 7(2)(a), for the words from “within the meaning of —” to “(ii)” substitute “—
(i) as defined by section 1(1) of the Charities Act 2011, or
(ii) within the meaning of”.
- 87 In Schedule 11B, in paragraph 12(4)(b), for “or section 24 or 25 of the Charities Act 1993 (c. 10)” substitute “ section 24 or 25 of the Charities Act 1993 or section 96 or 100 of the Charities Act 2011 ”.

Learning and Skills Act 2000 (c. 21)

- 88 In section 143(6)(d), for “the Charities Act 1993)” substitute “ the Charities Act 2011) ”.

Trustee Act 2000 (c. 29)

- 89 In section 38—
(a) in paragraph (a), for “section 24 of the Charities Act 1993” substitute “ section 96 of the Charities Act 2011 ”, and
(b) in paragraph (b), for “section 25” substitute “ section 100 ”.
- 90 In section 39(1)—
(a) in the definition of “charitable purposes”, for “has the same meaning as in the Charities Act 1993” substitute “ has the meaning given by section 11 of the Charities Act 2011 ”, and
(b) in the definition of “exempt charity” for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.

Criminal Justice and Court Services Act 2000 (c. 43)

- 91 In section 42(1), for “ “charity trustee” has the same meaning as in the Charities Act 1993” substitute “charity trustee” has the same meaning as in the Charities Act 2011 ”.

Criminal Justice and Police Act 2001 (c. 16)

- 92 In Part 1 of Schedule 1, for paragraph 56A and its heading substitute—

“Charities Act 2011

- 56A The power of seizure conferred by section 48(3) of the Charities Act 2011 (seizure of material for the purposes of an inquiry under section 46 of that Act).”

Churchwardens Measure 2001 (No. 1)

- 93 In section 2(1), for “under section 72(1) of the Charities Act 1993 (c 10) and the disqualification is not for the time being subject to a general waiver by the Charity Commission under subsection (4) of that section or to a waiver by it under that subsection” substitute “ under section 178 of the Charities Act 2011 and the

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disqualification is not for the time being subject to a general waiver by the Charity Commission under section 181 of that Act or to a waiver by it under that section ”.

Land Registration Act 2002 (c. 9)

94 In section 4(1)(aa), for “section 83 of the Charities Act 1993” substitute “section 334 of the Charities Act 2011 ”.

Licensing Act 2003 (c. 17)

95 In section 16(3), omit the definition of “charity”.

96 In Schedule 2, for paragraph 5(4) substitute—

- “(4) In sub-paragraph (1)(d) “registered charity” means--
- (a) a charity which is registered in accordance with section 30 of the Charities Act 2011, or
 - (b) a charity which by virtue of subsection (2) of that section is not required to be so registered.”

Higher Education Act 2004 (c. 8)

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Annotations:

Amendments (Textual)

- F3** Sch. 7 para. 97 omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 11 para. 34](#); S.I. 2018/241, reg. 2(s)

Companies (Audit, Investigations and Community Enterprise) Act 2004 (c. 27)

98 In section 54C(3), for “ “exempt charity” has the same meaning as in the Charities Act 1993 (see section 96 of that Act)” substitute “exempt charity” has the same meaning as in the Charities Act 2011 (see section 22 of that Act). ”

99 In section 63(1), in the definition of “English charity” for “as defined by section 1(1) of the Charities Act 2006” substitute “ “as defined by section 1(1) of the Charities Act 2011”.

100 In Schedule 3, for paragraph 4 substitute—

- “4 The person appointed to chair the Charity Commission may make available to the Regulator, to assist in the exercise of the Regulator's functions—
- (a) any other member of the Commission appointed under paragraph 1(1) of Schedule 1 to the Charities Act 2011, or
 - (b) any member of staff of the Commission appointed under paragraph 5(1) of that Schedule.”

Pensions Act 2004 (c. 35)

101 In Schedule 3, for the entry relating to the Charity Commission substitute—

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“The Charity Commission	Functions under the Charities Act 2006 or the Charities Act 2011.”
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102 In Schedule 8, for the entry relating to the Charity Commission substitute—

“The Charity Commission	Functions under the Charities Act 2006 or the Charities Act 2011.”
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Serious Organised Crime and Police Act 2005 (c. 15)

103 In section 146(3)(b), for “charity trustee (within the meaning of the Charities Act 1993 (c. 10))” substitute “charity trustee (within the meaning of the Charities Act 2011)”.

Education Act 2005 (c. 18)

104 In section 92(5), for “section 13 of the Charities Act 2006” substitute “section 25 of the Charities Act 2011”.

Gambling Act 2005 (c. 19)

105 In section 19(2)(a), for “purposes which are exclusively charitable according to the law of England and Wales” substitute “purposes which are exclusively charitable purposes (as defined by section 2 of the Charities Act 2011)”.

Charities and Trustee Investment (Scotland) Act 2005 (asp 10)

106 In section 36(1), for paragraphs (a) and (b) substitute—
 “(a) which is registered as a charity in England and Wales in accordance with section 30 of the Charities Act 2011, or
 (b) which, by virtue of subsection (2) of that section, is not required to register as a charity under that section.”

107 In section 69(2)(d)(i), after “Wales under” insert “section 79(2)(a) of the Charities Act 2011 or ” and for “18(2)(i) of that Act” substitute “18(2)(i) of the 1993 Act”.

108 In section 96(3), for “sections 24 and 25 of the Charities Act 1993 (c. 10)” substitute “sections 96 and 100 of the Charities Act 2011”.

Natural Environment and Rural Communities Act 2006 (c. 16)

109 In section 81(2)(h), for “section 13 of the Charities Act 2006” substitute “section 25 of the Charities Act 2011”.

Education and Inspections Act 2006 (c. 40)

110 In Schedule 2, in paragraph 10(2)(b), for “charity trustee (within the meaning of the Charities Act 1993 (c. 10))” substitute “charity trustee (within the meaning of the Charities Act 2011)”.

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National Health Service Act 2006 (c. 41)

- 111 In section 217(5), for “the court (as defined in the Charities Act 1993 (c. 10))” substitute “ the court (as defined in the Charities Act 2011) ”.

National Health Service (Wales) Act 2006 (c. 42)

- 112 In section 165(5), for “the court (as defined in the Charities Act 1993 (c. 10))” substitute “ the court (as defined in the Charities Act 2011) ”.

Companies Act 2006 (c. 46)

- 113 In section 21(2)(a), for “section 64 of the Charities Act 1993 (c. 10)” substitute “ sections 197 and 198 of the Charities Act 2011 ”.

- 114 In section 31(4)(a), for “section 64 of the Charities Act 1993 (c. 10)” substitute “ sections 197 and 198 of the Charities Act 2011 ”.

- 115 In—

- (a) section 1140(2)(c)(ii), and
- (b) section 1154(1)(b) and (2)(b),

for “section 18 of the Charities Act 1993 (c. 10)” substitute “ section 76 of the Charities Act 2011 ”.

- 116 In Schedule 1, in paragraph 6(4)(b) for “or section 24 or 25 of the Charities Act 1993 (c. 10),” substitute “ , section 24 or 25 of the Charities Act 1993 or section 96 or 100 of the Charities Act 2011, ”.

Safeguarding Vulnerable Groups Act 2006 (c. 47)

- 117 In Schedule 4, in—

- (a) paragraph 4(7) and
- (b) paragraph 8(6),

for “ “charity trustee” has the same meaning as in the Charities Act 1993 (c. 10)” substitute “charity trustee” has the same meaning as in the Charities Act 2011 ”.

Charities Act 2006 (c. 50)

- 118 In section 54(2), for “section 9 of the 1993 Act” substitute “ section 52 of the Charities Act 2011 ”.

- 119 In section 72(3), for “section 10(2) to (4) of the 1993 Act” substitute “ section 55 of the Charities Act 2011 ”.

- 120 (1) In section 73(5)(b), for “the appointed day (within the meaning of section 10 of this Act)” substitute “ 31 January 2009 ”.

- (2) After section 73(5) insert—

“(6) This section has effect, in relation to any time occurring on or after the commencement of the Charities Act 2011 as if—

- (a) the reference in subsection (1) to the operation of this Act included (in relation to provisions of this Act repealed and re-enacted by the 2011 Act) a reference to the operation of the 2011 Act,

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- (b) the reference in subsection (2)(a) to the effect of the Act included (in relation to provisions of this Act repealed and re-enacted by the 2011 Act) a reference to the effect of the 2011 Act, and
 - (c) the reference in subsection (5)(a) to paragraph (b) or (c) of section 3A(2) of the 1993 Act (as amended by section 9 of this Act) were a reference to paragraph (b) or (c) of section 30(2) of the 2011 Act.”
- 121 (1) In section 74(4), omit—
 - (a) paragraphs (a) and (b), and
 - (b) in paragraph (e), “76 or”.
- (2) In section 74(5), omit “(a), (b),”.
- (3) Omit section 74(6).
- 122 Omit section 76.
- 123 (1) In section 78(2)—
 - (a) omit paragraph (a);
 - (b) in paragraph (b), for “(in accordance with section 2(6)) the meaning given by section 2(1)” substitute “(in accordance with section 2(2) of the Charities Act 2011) the meaning given by section 2(1) of that Act ”;
 - (c) in paragraph (c), for “the 1993 Act” substitute “ that Act ”;
 - (d) omit the words following paragraph (c).
- (2) Omit section 78(3).
- (3) In section 78(4)(c), omit “6(5) or”.
- 124 In section 79(1), omit—
 - (a) paragraph (a), and
 - (b) in paragraph (g), the words from “paragraph 104” to “paragraph 174(d)”.
- 125 In section 80—
 - (a) omit subsections (3)(a), (b) and (d) (but not the “and” following it), (4), (5) (a) to (c) and (e) (but not the “and” following it), (6) and (8),
 - (b) in subsections (3)(e) and (5)(f), for “76” substitute “ 77 ”, and
 - (c) in subsection (9)—
 - (i) omit “also” and paragraph (a) (together with the “or” following it), and
 - (ii) in paragraph (b), for “those” substitute “ the amendments ”.

Income Tax Act 2007 (c. 3)

- 126 (1) Amend section 558 as follows.
- (2) Under the heading “Type 2”, for “or” preceding paragraph (c) substitute—
 - “(bb) section 96 of the Charities Act 2011, or”.
- (3) Under the heading “Type 3”, omit “or” preceding paragraph (b) and at the end of paragraph (b) insert “or”
 - (c) section 100 of the Charities Act 2011.”

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Legal Services Act 2007 (c. 29)

- 127 In section 194(9)(a), for “in accordance with section 3A of the Charities Act 1993 (c. 10),” substitute “ in accordance with section 30 of the Charities Act 2011, ”.

Dioceses, Pastoral and Mission Measure 2007 (No. 1)

- 128 In section 62(1), in the definition of “charity”, for “section 78(2) of the Charities Act 2006 (c. 50)” substitute “ section 10 of the Charities Act 2011 ”.
- 129 In Schedule 2, in paragraph 13(2), for “charity trustee within the meaning of the Charities Act 1993 (1993 c. 10)” substitute “ charity trustee within the meaning of the Charities Act 2011 ”.

Regulatory Enforcement and Sanctions Act 2008 (c. 13)

- 130 In Schedule 3, omit “Charities Act 1993 (c. 10), sections 76 to 78” and after the entry relating to the Charities Act 2006 insert “ Charities Act 2011, sections 294 to 297 ”.

Housing and Regeneration Act 2008 (c. 17)

- 131 In section 135(6), for “sections 41 to 45 of the Charities Act 1993 (c. 10) (charity accounts)” substitute “ Part 8 of the Charities Act 2011 ”.
- 132 In section 136—
- (a) in subsection (4), for “section 43(1)(a) of the Charities Act 1993” substitute “ section 144(1)(a) of the Charities Act 2011 ”,
 - (b) in subsection (5)(a), for “section 43(1) of the Charities Act 1993,” substitute “ section 144(1) of the Charities Act 2011, ”,
 - (c) in subsection (5)(b), for “section 43(1)(b),” substitute “ section 144(1)(b) ”, and
 - (d) in subsection (6), for “section 43 of the Charities Act 1993 (c. 10)” substitute “ section 144 of the Charities Act 2011 ”.
- 133 In section 138(3)(a), for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.
- 134 In section 266(6), for “section 72 of the Charities Act 1993 (c. 10)” substitute “ section 178 of the Charities Act 2011 ”.
- 135 In section 275—
- (a) in the definition of “non-registrable charity”, for “section 3A of the Charities Act 1993 (c. 10),”, substitute “ section 30 of the Charities Act 2011, ”, and
 - (b) in the definition of “registered charity”, for “the Charities Act 1993 (c. 10),” substitute “ the Charities Act 2011, ”.

Planning Act 2008 (c. 29)

- 136 (1) Amend section 210 as follows.
- (2) In subsection (1)(b), for “section 2 of the Charities Act 2006 (c. 50)” substitute “ section 2 of the Charities Act 2011 ”.

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- (3) In subsection (4)—
- (a) in paragraph (a), for “section 3 of the Charities Act 1993 (c. 10),” substitute “ section 29 of the Charities Act 2011, ”, and
 - (b) in paragraph (b), for “section 1(1) of the Charities Act 2006 but is not required to be registered in the register kept under section 3 of the Charities Act 1993” substitute “ section 1(1) of the Charities Act 2011 but is not required to be registered in the register kept under section 29 of that Act ”.
- (4) In subsection (5), for “section 2(2) of the Charities Act 2006;” substitute “ section 3(1) of the Charities Act 2011; ”.

Charities Act (Northern Ireland) 2008 (c. 12 (N.I.))

- 137 In section 56(1)(a), for “under section 3 of the Charities Act 1993 (c. 10), or which, by virtue of section 3A(2) of that Act, is not required to register as a charity under that section” substitute “ in the register kept under section 29 of the Charities Act 2011, or which, by virtue of section 30(2) of that Act, is not required to be registered in that register ”.
- 138 In section 86(1)(e)—
- (a) in sub-paragraph (i), after “under” insert “ section 79(2)(a) of the Charities Act 2011 or ”, and
 - (b) in sub-paragraph (ii), for “that provision” substitute “ section 18(2)(i) of the 1993 Act ”.

Apprenticeships, Skills, Children and Learning Act 2009 (c. 22)

- 139 In section 71A(1), for “section 13 of the Charities Act 2006)” substitute “ section 25 of the Charities Act 2011) ”.
- 140 In Schedule 3, in paragraph 19(4)(c), for “(within the meaning of section 69A of the Charities Act 1993 (c. 10))” substitute “ (within the meaning of Part 11 of the Charities Act 2011) ”.
- 141 In Schedule 4, in paragraph 9(4)(c), for “(within the meaning of section 69A of the Charities Act 1993 (c. 10))” substitute “ (within the meaning of Part 11 of the Charities Act 2011) ”.

Corporation Tax Act 2010 (c. 4)

- 142 (1) Amend section 511 as follows.
- (2) Under the heading “Type 2”, for “or” preceding paragraph (c) substitute—
“(bb) section 96 of the Charities Act 2011, or”.
 - (3) Under the heading “Type 3”, omit “or” preceding paragraph (b) and at the end of paragraph (b) insert “or
(c) section 100 of the Charities Act 2011.”

Finance Act 2010 (c. 13)

- 143 (1) Amend Schedule 6 as follows.
- (2) In paragraph 1(4)—

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- (a) for “see section 2 of the Charities Act 2006” substitute “ see section 2 of the Charities Act 2011 ”, and
 - (b) in paragraph (b), for “(see section 80(3) to (6) of that Act)” substitute “ (see sections 7 and 8 of that Act) ”.
- (3) In paragraph 3(1)(a), for “within the meaning of the Charities Act 1993” substitute “ within the meaning of section 10 of the Charities Act 2011 ”.
- (4) In paragraph 3(2), for “section 3 of the Charities Act 1993” substitute “ section 29 of the Charities Act 2011 ”.

Equality Act 2010 (c. 15)

- 144 In section 194(3)(a), for “section 1(1) of the Charities Act 2006” substitute “ section 1(1) of the Charities Act 2011 ”.

Church of England (Miscellaneous Provisions) Measure 2010 (No. 1)

- 145 In section 10(1), for “section 96(2) of the Charities Act 1993 (c. 10)” substitute “ section 10 of the Charities Act 2011 ”.

Mission and Pastoral Measure 2011 (No. 3)

- 146 For section 67(1) substitute—
- “(1) The power of the court (as defined by the Charities Act 2011) to make schemes under its jurisdiction with respect to charities, and the power of the Charity Commission to make schemes under that Act, shall extend to the making of schemes with respect to consecrated chapels belonging to charities which are no longer needed for the purposes of the charity, and section 10(2)(c) of that Act shall not be taken as preventing the making of any such scheme.”
- 147 In section 77(3), for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.
- 148 In section 106(1), in the definition of “charity”, for “section 78(2) of the Charities Act 2006 (c. 50)” substitute “ section 10 of the Charities Act 2011 ”.
- 149 (1) Amend Schedule 3 as follows.
- (2) In paragraph 9(6)—
- (a) for “section 16 of the Charities Act 1993” substitute “ section 69 of the Charities Act 2011 ”, and
 - (b) for “that section” substitute “ sections 69 to 71 of that Act ”.
- (3) In paragraph 14(1)(e) for “section 16 of the Charities Act 1993” substitute “ section 69 of the Charities Act 2011 ”.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by 2018 c. 5 s. 48(1)(a)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 182(1A) words in s. 182(1) renumbered as s. 182(1A) by 2016 c. 4 s. 11(3)
- s. 182(1A) words inserted by 2016 c. 4 s. 11(4)
- s. 184A inserted by 2016 c. 4 s. 12